

# **EXHIBIT**

# **10**

**DECLARATION OF SCOTT RICHGELS  
PURSUANT TO 28 U.S.C. § 1746**

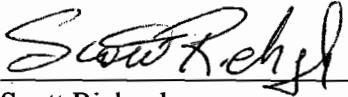
I, Scott Richgels, hereby state that I have personal knowledge of the facts set forth below.

If called as a witness, I could and would testify as follows:

1. I am a U.S. citizen over the age of 18.
2. I have a Dell computer that runs Windows XP. I was using my computer and while on the Internet, I received a Windows-looking box (square with blue on top) that said that I could eliminate threats on my computer if I bought the WinSpyware product, including adware and pop ups. I kept trying to close the box, but it kept popping back up.
3. Finally, after receiving the box for a few days, I bought the product from a company called Winsoftware, Inc in Peterborough, Canada. The box did not come back as soon as I bought the program. I authorized the charge for the Winspyware product which was advertised as \$29.95, but then I was actually billed for three different products which I did not authorize. I cancelled my charge with my bank and the bank took off the charges to my debit card.
4. I tried calling customer service at 866-923-1420 at least three times, but I was unable to get through because the message said the mailbox was full.

I state under penalty of perjury under the laws of the United States of America that the foregoing is true and accurate.

Date: 10/21/08

  
Scott Richgels